



CONSUMER NEWS

BONNIE DUMANIS, DISTRICT ATTORNEY

January 2003

Legislative Update

Here is a brief list of the new laws that will benefit consumers. If not otherwise stated these laws went into effect on January 1, 2003.

SB1950 will allow prosecutors to charge individuals who are practicing medicine without a license with a felony or a misdemeanor. Previously this could only be charged as a misdemeanor.

SB1459 increases maximum penalties for practicing law without a license from 6 months in jail, to one year in jail.

AB1698 provides much needed regulation for Legal-Document assistants (LDA's) and Unlawful detainer assistants (UDA's). This bill increases the bond amount, and strongly regulates advertising to ensure the public knows they are not contracting with an attorney.

SB1919 increases the bond amount that licensed contractors must have from \$7,500.00 to \$10,000.00. In January 1, 2007 it increases to \$12,500.00.

AB2732 requires business that use scanners to ring up merchandise to display the price of each good or service to the customer at the time of check out.

SB1872 makes it a misdemeanor crime for companies to fail to process refunds in a timely manner. Companies are required to process refunds within 30 days of the return or cancellation, (providing that returns or cancellations are permitted in the original contract.) This applies to purchases made via telephone, through the mail, over the internet, or by other electronic means on or after January 1, 2003.

SB772 requires email providers to provide customers with 30 day notice prior to terminating an email address. Failure to do so is a misdemeanor.

AB1769 will help prevent spam text messaging by prohibiting the transmission of a text-message advertisement to a cellular telephone or pager equipped with text message

capability, unless the subscriber has been offered the option not to receive these messages or has consented to receive them. Companies not following these rules can be charged with a misdemeanor.

AB2244 requires more detailed disclosures on prepaid calling cards. Companies that sell the cards must print the value of the card, any periodic or maintenance fees, surcharges for calls made from pay phones, and surcharges for international calls.

AB1999 allows the District Attorney's Office, the City Attorney's Office or the Attorney General's Office to bring a legal action for a civil penalty of up to \$100,000.00 for a violation of any law relating to Immigration Consultants.

AB1753 requires magazine distributors to clearly and conspicuously place the subscription expiration date on all magazine renewal notices and magazine mailing labels.

SB500 provides that retail, cable-television and utility companies may set a particular four hour time period for a delivery, service connection, or repair only with the agreement of the consumer. These companies no longer have to notify consumers of this right via mail, because they must tell them at the time they call for services. It also increases from \$500 to \$600 the amount a consumer or subscriber can recover in small claims court if merchandise is not delivered or a service or repair is not commenced within the specified four hour time period.

AB55 creates the Victims of Corporate Fraud Compensation Fund in the state treasury. The money in the fund will provide restitution to victims of corporate fraud. It also increases the frequency of the statements that domestic and foreign corporations must file with the Secretary of State. And it requires corporations to pay a \$5 fee each time the annual statement is filed. Half of the fee will go to develop and maintain the online database and half will go the Victims of Corporate Fraud Compensation Fund.

SB1884 prohibits the sale of any dietary supplement containing ephedrine-group alkaloids or steroid hormone precursors unless the product is labeled with detailed warnings, and creates the misdemeanor crime of selling, transferring, or furnishing of such a dietary supplement to anyone under the age of 18.

SB1259 creates a new misdemeanor if you knowingly posses or use a scanning device with the intent to defraud, or posses or use a re-encoder device with intent to defraud. Scanning devices are used to access, obtain, or store information encoded on the magnetic strip of a payment card without permission of the authorized user. Re-encoder devices place encoded information from the magnetic strip of one card onto the magnetic strip of a different card.

AB115 creates the misdemeanor crime of obtaining a drivers license, I.D. card, vehicle-registration certificate or any other official document issued by the DMV, with knowledge that the person obtaining the document is not entitled to it.

SB1254 makes it a misdemeanor to acquire, transfer or retain possession of personal identifying information with the intent to defraud. (Actually using the information to steal someone's identity is still a felony.)

SB1331 makes it a misdemeanor to rebuild and resell or transfer ownership of a salvaged or dismantled vehicle without providing to the buyer either a certificate of inspection issued by the California Highway Patrol or a vehicle verification form completed by an authorized employee of the Department of Motor Vehicles.

AB1155 increases the fine that a defendant can be charged for a felony conviction of Identity theft to \$25000.00

SB1254 adds providers of wireless communication services (cell phones, pagers, etc.) to the list of entities that must provide identity theft victims with information about accounts opened or applications filed by an identity thief within 10 business days of the victim request and free of charge. The victim must provide a copy of a police report.

If you are interested in more information on upcoming bills and/or the legislative process you can visit the California State Assembly website at www.assembly.ca.gov or the California State Senate website at www.sen.ca.gov

Source: Legislative Digest 2002 published by the California District Attorney's Association.

**San Diego
District Attorney's Office
Consumer Fraud Unit
(619) 531-3507**

*Written by: Eva Casey
Investigative Specialist
Consumer Fraud Unit*